

# **Exhibit 5**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CLARITY SPORTS INTERNATIONAL, )  
LLC and JASON BERNSTEIN )  
                                  )  
                                  )  
Plaintiffs,                ) No. 1:19-cv-00305-YK  
                                  )  
                                  )  
vs.                            )  
                                  )  
CAA SPORTS, et al.,        )  
                                  )  
Defendants.                )

- - - -

Videotaped Remote Video Conference Deposition of  
JAKE SILVER

April 16, 2021

9:06 a.m.

\*\*\*\*\* CONFIDENTIAL - ATTORNEY'S EYES ONLY \*\*\*\*\*

REPORTER: Lisa Forlano, CCR, CRR, RMR

<p>1 Bernstein is attending remotely as well.</p> <p>2 MR. IACONELLI: Good morning, for the</p> <p>3 record, this is Michael Iaconelli with the</p> <p>4 Klehr Harrison law firm. With me this morning</p> <p>5 on the deposition is my colleague William</p> <p>6 Clements. We represent Defendants, MVP</p> <p>7 Authentics, Jason Smith, Daryl Eisenhour,</p> <p>8 Boone Enterprises, Craig Boone, and CAA</p> <p>9 Sports, LLC and I'll note for the record</p> <p>10 before any questioning gets underway that</p> <p>11 we're appearing today in connection with a</p> <p>12 subpoena that Plaintiffs have issued to a</p> <p>13 former employee of CAA Sports named Jake</p> <p>14 Silver. It's been noted in prior depositions</p> <p>15 and in particular in the deposition of CAA</p> <p>16 Sports designee's deposition that there have</p> <p>17 been communications by lawyers at CAA with</p> <p>18 Mr. Silver and I'm just noting for the record</p> <p>19 now so we don't need to belabor the record</p> <p>20 once questioning gets underway that CAA is</p> <p>21 asserting any and all rights associated with</p> <p>22 the attorney-client privilege, the attorney</p> <p>23 work product doctrine and comparable law with</p> <p>24 respect to any questioning that may be</p> <p>25 interposed by any of the lawyers on this call</p>	<p>1 BY MR. COMERFORD:</p> <p>2 Q Good morning, Mr. Silver.</p> <p>3 A <b>Good morning.</b></p> <p>4 Q Can you hear me okay?</p> <p>5 A <b>I can.</b></p> <p>6 Q We're taking this deposition today</p> <p>7 using the Zoom videoconferencing platform because of</p> <p>8 the COVID-19 pandemic.</p> <p>9 Where are you located, sir?</p> <p>10 A <b>I'm sorry, it cut in and out for a</b></p> <p>11 <b>second.</b></p> <p>12 Q Where are you located?</p> <p>13 A <b>Atlanta, Georgia.</b></p> <p>14 Q And are you in a law office or where</p> <p>15 are you?</p> <p>16 A <b>I'm at Mr. Maxim's law office.</b></p> <p>17 Q Are you in the same room as Mr. Maxim?</p> <p>18 A <b>I am not.</b></p> <p>19 Q Is anyone else in the room with you?</p> <p>20 A <b>No.</b></p> <p>21 Q Do you have any papers there in the</p> <p>22 room with you?</p> <p>23 A <b>I do not.</b></p> <p>24 Q Did you bring any papers to the</p> <p>25 deposition?</p>
<p>1 that would seek to invade the privilege</p> <p>2 pertaining to Mr. Silver's former status as an</p> <p>3 employee of CAA Sports.</p> <p>4 MR. MAXIM: Good morning. I'm Kevin</p> <p>5 Maxim of the Maxim Law Firm in Atlanta. I</p> <p>6 represent the deponent here today, Jake</p> <p>7 Silver. Mr. Silver and I are appearing today</p> <p>8 pursuant to an order of the Northern District</p> <p>9 of Georgia Court and that is Civil Action No.</p> <p>10 1:21-CV-00676 MHC-WEJ. By Mr. Silver and I</p> <p>11 appearing here today, we are not waiving our</p> <p>12 objection that we have asserted earlier that</p> <p>13 he is not subject to the jurisdiction of the</p> <p>14 venue of the Middle District of Pennsylvania</p> <p>15 Court. Thank you.</p> <p>16 MR. HERBER: Good morning, this is J.T.</p> <p>17 Herber appearing on behalf of Gerry Ochs and</p> <p>18 Redland Sports, along with my co-counsel, Iles</p> <p>19 Cooper, both of us being with the law firm of</p> <p>20 Williamson, Friedberg &amp; Jones.</p> <p>21 VIDEO OPERATOR: Will the court</p> <p>22 reporter please swear in the witness and we</p> <p>23 may proceed.</p> <p>24 JAKE SILVER, having been duly sworn,</p> <p>25 was examined and testified as follows:</p>	<p>1 Page 7</p> <p>1 A <b>No, I did not.</b></p> <p>2 Q Do you understand that you were served</p> <p>3 with a subpoena that asked you to produce certain</p> <p>4 documents that may be in your possession, custody or</p> <p>5 control?</p> <p>6 A <b>Do I understand that?</b></p> <p>7 Q Yes.</p> <p>8 A <b>Yes.</b></p> <p>9 Q And did you produce all of the</p> <p>10 documents that you still have concerning matters</p> <p>11 that were listed in the subpoena that you still have</p> <p>12 in your possession, custody or control?</p> <p>13 A <b>I produced all the documents that I</b></p> <p>14 <b>could find, yes.</b></p> <p>15 Q Do you understand that you're under</p> <p>16 oath today just the same as if you were in a court</p> <p>17 of law?</p> <p>18 A <b>I do.</b></p> <p>19 Q Do you understand that the testimony</p> <p>20 you're giving today, if proven to be false, could</p> <p>21 subject you to Plaintiff perjury?</p> <p>22 A <b>I do.</b></p> <p>23 Q Have you ever been deposed before?</p> <p>24 A <b>Have I ever been what? I'm sorry.</b></p> <p>25 Q Have you ever had your deposition taken</p> <p>1 Page 9</p>

3 (Pages 6 to 9)

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<p>1 believe it seeks to invade the attorney-client  2 privilege. When you said "about," you're  3 starting to get into the content of the  4 communications. I don't think that's a proper  5 question and I would instruct the witness not  6 to respond to that.</p> <p>7 MR. COMERFORD: So in response, I'm  8 going to say that in my view that would be the  9 sort of thing that would be disclosed on a  10 privileged log if we were to ask it. I'm not  11 asking for the content, but I'm asking whether  12 communication took place or not. I'm trying to  13 phrase it in a way that Mr. Silver can answer  14 yes or no.</p> <p>15 MR. IACONELLI: And I would join in  16 Mr. Maxim's objection. I think it's  17 inappropriate question. Again, I think  18 Mr. Comerford is seeking to invade the  19 privilege. There's been deposition testimony  20 in this case recently on March 3, 2021,  21 Mr. Comerford asked CAA's corporate designee  22 at pages 38 and 39 questions regarding whether  23 counsel for CAA communicated with Mr. Silver.  24 The witness verified in response to  25 Mr. Comerford's question that he did, in fact,</p>	<p>1 saying that you can answer this yes or no.  2 Did you have discussions with Michael  3 Iaconelli in 2019 about these events?  4 MR. IACONELLI: Objection, asked and  5 answered. Again, Mr. Silver, counsel is  6 attempting to rephrase questions to invade the  7 privilege. Again, I would caution you against  8 that. To the extent that you can answer  9 again, go ahead and answer again, but CAA is  10 not waiving privilege.  11 MR. MAXIM: I would assert the same  12 objection, as well as observation, an  13 objection that the question, that includes the  14 term "these events" is vague and ambiguous.  15 BY MR. COMERFORD:  16 Q You can answer, Mr. Silver.  17 A <b>I'm not going to waive privilege of  18 communication with any attorneys.</b>  19 Q Just to be clear, I'm asking whether or  20 not you spoke with Mr. Iaconelli. I'm not asking  21 for the content.  22 MR. IACONELLI: Objection, asked and  23 answered.  24 BY MR. COMERFORD:  25 Q Can you answer that?</p>
<p>1 have discussions with CAA's counsel. And  2 specifically I'm referring to CAA's designee  3 deposition testimony on page 38, beginning on  4 line 21 and going through page 39 at line 25,  5 specifically where Miss Shepherd testified, I  6 am of the view that it was a privileged  7 conversation. Plaintiffs had that deposition  8 transcript for about a month and a half now.  9 They understand and know full well that CAA has  10 not waived privilege. To the extent that any  11 communications that Mr. Silver had with any  12 lawyer at CAA, in-house or outside counsel,  13 CAA is asserting that those communications are  14 privileged. They reflect work product. And  15 Mr. Silver is cautioned to not waive  16 attorney-client privilege that belongs to CAA.  17 With that instruction, Mr. Silver, if  18 you can answer the question, go ahead and try  19 to answer it.</p> <p>20 THE WITNESS: I'm not going to waive  21 attorney-client privilege in answering the  22 question.</p> <p>23 BY MR. COMERFORD:  24 Q I'm trying to phrase the question as  25 yes or no. And as I understand it, Mr. Iaconelli is</p>	<p>1 <b>A Wouldn't that be part of the content of  2 what we discussed?</b>  3 Q I'm asking, Mr. Silver, whether or not  4 you had discussions with Mr. Iaconelli. I'm not  5 asking for the content. So can you try to answer  6 that question either yes or no?  7 MR. IACONELLI: Same objection. And  8 again, since Mr. Comerford appears to not be  9 following the -- not adhering to the statement  10 that I made on the record earlier, I'm going  11 to read into the transcript Niloofar  12 Shepherd's sworn testimony in response to  13 Mr. Comerford's question concerning this  14 issue, starting at page 38, line 22.  15 Question: Did you speak with Jake  16 Silver to prepare for your deposition?  17 Miss Shepherd said no.  18 Have you ever spoken with Jake Silver  19 about this case?  20 Answer: Yes, I think I had one  21 conversation with him about it when he was  22 subpoenaed.  23 Question: Okay, am I right that would  24 have been in or around July of 2020?  25 Answer: I don't remember.</p>

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<p>1 of '15 would be correct.</p> <p>2 BY MR. COMERFORD:</p> <p>3 Q Did you work with Todd France during</p> <p>4 those two internships in the summer of 2014 and the</p> <p>5 summer of 2015 with 1Five Starr Athlete?</p> <p>6 MR. MAXIM: Same objection regarding</p> <p>7 the time frame set for discovery by the</p> <p>8 courts.</p> <p>9 MR. IACONELLI: Yeah, I'm going to join</p> <p>10 in Mr. Maxim's, the witness' counsel's</p> <p>11 objection.</p> <p>12 Mr. Comerford, you're clearly</p> <p>13 questioning the witness on matters that go</p> <p>14 beyond the relevant time period set forth in</p> <p>15 Judge Schwab's order dated March 31, 2020.</p> <p>16 It's document number 74 on the docket. You</p> <p>17 attached it -- you referenced it in the</p> <p>18 subpoena that you issued to Mr. Silver, you</p> <p>19 attached it to the subpoena that you issued to</p> <p>20 Mr. Silver, and I'd also note that during the</p> <p>21 deposition that we took of your client, Emily</p> <p>22 Ries, on November 19, 2020 in this matter,</p> <p>23 when counsel for the Redland defendants sought</p> <p>24 to ask Miss Ries questions that went beyond</p> <p>25 the scope of the time period set forth in the</p>	<p>1 conducting the examination in accordance with</p> <p>2 the terms of the appropriate orders that had</p> <p>3 been entered in this case.</p> <p>4 BY MR. COMERFORD:</p> <p>5 Q You can answer, Mr. Silver.</p> <p>6 MR. HERBER: J.T. Herber here on behalf</p> <p>7 of the Redland -- sorry, Gerry Ochs and</p> <p>8 Redland Sports defendants. I'm also going to</p> <p>9 join in this objection, as well, John. You've</p> <p>10 going outside the time frame. You held us to</p> <p>11 that. You need to hold yourself to the same</p> <p>12 standard.</p> <p>13 MR. MAXIM: I join in these objections</p> <p>14 as well. Mr. Silver is a non-party. This is</p> <p>15 during his workday. I think we should limit</p> <p>16 it to the scope and time frame of discovery</p> <p>17 that was served upon him and is the order of</p> <p>18 the two Federal courts.</p> <p>19 MR. COMERFORD: I understand the</p> <p>20 objections, but I would like an answer, Mr.</p> <p>21 Silver.</p> <p>22 BY MR. COMERFORD:</p> <p>23 Q Did you work for Todd France in the</p> <p>24 summer of 2014 and 2015 at Five Star Athlete</p> <p>25 Management?</p>
Page 31	Page 33
<p>1 order, you objected at page 15, lines 6</p> <p>2 through 12, and I quote, the question was, At</p> <p>3 any given time during that time period,</p> <p>4 approximately how many players did you provide</p> <p>5 services for? And your response,</p> <p>6 Mr. Comerford, was starting at line 6, quote,</p> <p>7 So, J.T., I'm going to object again and I</p> <p>8 think your question is asking the witness to</p> <p>9 go beyond the time period that Judge Schwab</p> <p>10 has set for discovery in this case, which as I</p> <p>11 understand it, goes back to January 1, 2018.</p> <p>12 If you could limit the time period to satisfy</p> <p>13 the Court, I would appreciate it. Mr. Herber</p> <p>14 said all right and then rephrased his</p> <p>15 question.</p> <p>16 So again, I'm going to join in</p> <p>17 Mr. Maxim's objection. I'm going to state</p> <p>18 again, for the record, that I believe this</p> <p>19 type of questioning that goes beyond the</p> <p>20 relevant time period set forth in Judge</p> <p>21 Schwab's order and in the notice that was sent</p> <p>22 to the witness and the subpoena and the order</p> <p>23 that was attached to the subpoena is improper.</p> <p>24 And I would ask that Plaintiff's counsel</p> <p>25 follow the terms of Judge Schwab's order in</p>	<p>1 MR. MAXIM: Same objection.</p> <p>2 MR. IACONELLI: We restate the</p> <p>3 objection, Mr. Silver. It's on the record.</p> <p>4 MR. HERBER: We also restate the</p> <p>5 objection.</p> <p>6 THE WITNESS: I interned for Five Star</p> <p>7 Management. I did not have a lot of</p> <p>8 communication with Todd France, but did he</p> <p>9 work there, yes.</p> <p>10 BY MR. COMERFORD:</p> <p>11 Q Was that in Atlanta?</p> <p>12 A Yes.</p> <p>13 Q How did you get that internship with</p> <p>14 Five Star Athlete Management?</p> <p>15 A I had a cousin that interned the summer</p> <p>16 prior and e-mailed a woman who worked there and got</p> <p>17 an interview and that's basically how it went.</p> <p>18 Q Before you started working at Five Star</p> <p>19 Athlete Management, did you know Todd France?</p> <p>20 MR. IACONELLI: Same objection.</p> <p>21 THE WITNESS: Not at all.</p> <p>22 MR. MAXIM: Same objection.</p> <p>23 MR. HERBER: Same objection.</p> <p>24 MR. IACONELLI: I'm going to note for</p> <p>25 the record that it's 10:37 eastern standard</p>

<p style="text-align: right;">Page 38</p> <p>1     <b>by "in charge."</b></p> <p>2       Q    I mean, was there anyone who you had</p> <p>3        considered to be the head of the office or in charge</p> <p>4        of the office?</p> <p>5        MR. IACONELLI: Objection to form.</p> <p>6        THE WITNESS: There was like an office</p> <p>7        manager. Is that what you mean?</p> <p>8    BY MR. COMERFORD:</p> <p>9       Q    No. That's sort of an administrative</p> <p>10      person, right?</p> <p>11      <b>A    Sure.</b></p> <p>12      Q    So who was the head of the office for</p> <p>13      CAA Sports in Atlanta?</p> <p>14      MR. IACONELLI: Objection. Objection</p> <p>15      to form, vague, ambiguous.</p> <p>16      MR. MAXIM: Same objection.</p> <p>17      THE WITNESS: I think it's tough to</p> <p>18      answer because there's multiple divisions</p> <p>19      within that Atlanta office. So like there was</p> <p>20      not really one head of the entire Atlanta</p> <p>21      office.</p> <p>22    BY MR. COMERFORD:</p> <p>23      Q    Did everyone in the Atlanta office</p> <p>24      report to Todd France?</p> <p>25      <b>A    I did not report to Todd France.</b></p>	<p style="text-align: right;">Page 40</p> <p>1       schedule, make flight reservations for him?</p> <p>2        MR. IACONELLI: Objection, vague,</p> <p>3        compound.</p> <p>4        THE WITNESS: I did marketing on behalf</p> <p>5        of some of his clients along with the rest of</p> <p>6        CAA Sports' football clients. I did not do --</p> <p>7        the services that you were asking me if I did</p> <p>8        I don't believe. That was not the scope of my</p> <p>9        job.</p> <p>10     BY MR. COMERFORD:</p> <p>11      Q    Were you responsible for managing Todd</p> <p>12      France's calendar in 2018?</p> <p>13      <b>A    Not at all.</b></p> <p>14      Q    Were you responsible for arranging for</p> <p>15      him to attend marketing events?</p> <p>16      <b>A    No, never.</b></p> <p>17      Q    Did you have someone that you</p> <p>18      considered your assistant?</p> <p>19      <b>A    I did not have an assistant, no.</b></p> <p>20      Q    Did Todd France have an assistant at</p> <p>21      the Atlanta office of CAA Sports starting in</p> <p>22      September of 2018?</p> <p>23      <b>A    I don't know during that time period.</b></p> <p>24      <b>I know at some time period that he had an assistant,</b></p> <p>25      <b>yes, but I'm not exactly sure when that was because</b></p>
<p style="text-align: right;">Page 39</p> <p>1       Q    In 2018, who did you report to?</p> <p>2      <b>A    I believe in '18 it was Bob Philp, who</b></p> <p>3      <b>was not in the Atlanta office.</b></p> <p>4       Q    In 2019, who did you report to?</p> <p>5      <b>A    I think the same, Bob Philp.</b></p> <p>6       Q    And up until September of 2020 when you</p> <p>7       left, did it change or was it still Bob Philp?</p> <p>8      <b>A    He was -- he had left CAA. I don't know</b></p> <p>9      <b>exactly what month, so between that period of him</b></p> <p>10     <b>leaving and myself leaving, I don't know if there</b></p> <p>11     <b>was technically a head in the marketing division or</b></p> <p>12     <b>something, I think. I don't know today what the</b></p> <p>13     <b>deal is, but I don't think there was necessarily</b></p> <p>14     <b>someone that was promoted as head of marketing at</b></p> <p>15     <b>that time.</b></p> <p>16      Q    So describe your role at CAA Sports as</p> <p>17      of September 2018.</p> <p>18      <b>A    It was to provide marketing</b></p> <p>19      <b>opportunities for our football clients off the</b></p> <p>20      <b>field.</b></p> <p>21      Q    Did you -- what did you do for Todd</p> <p>22      France as of September 2018?</p> <p>23      <b>A    Can you be more specific?</b></p> <p>24      Q    Yeah. Did you do anything for Todd</p> <p>25      France like manage his events, coordinate his</p>	<p style="text-align: right;">Page 41</p> <p>1      <b>I know for a good period of time he didn't have an</b></p> <p>2      <b>assistant.</b></p> <p>3       Q    Who was his assistant, to your</p> <p>4       knowledge?</p> <p>5       MR. IACONELLI: Objection, time frame.</p> <p>6    BY MR. COMERFORD:</p> <p>7       Q    In late 2018.</p> <p>8      <b>A    I don't know if he had an assistant</b></p> <p>9      <b>during that time.</b></p> <p>10     Q    At any point in time was there someone</p> <p>11     that you considered to be Todd France's assistant?</p> <p>12     MR. IACONELLI: Objection to the term</p> <p>13     any point in time. Outside the scope of Judge</p> <p>14     Schwab's March 31, 2020 order.</p> <p>15     MR. MAXIM: I'll join in that</p> <p>16     objection.</p> <p>17    BY MR. COMERFORD:</p> <p>18      Q    Go ahead.</p> <p>19      <b>A    I'm sorry, what was the question?</b></p> <p>20      Q    I'm trying to get to whether Todd</p> <p>21      France had an assistant.</p> <p>22      <b>A    Right. At some point, he did. He</b></p> <p>23      <b>actually had -- there was a point in time that he</b></p> <p>24      <b>had an assistant and then not an assistant and again</b></p> <p>25      <b>an assistant, but I know for a long period he didn't</b></p>

<p style="text-align: right;">Page 50</p> <p>1                   MR. MAXIM: Objection as to time frame, 2                   scope of discovery. 3                   THE WITNESS: I'm not sure where he is. 4                   BY MR. COMERFORD: 5                   Q    When did he leave the Atlanta office of 6                   CAA Sports? 7                   <b>A    I do not know timing of when that was.</b> 8                   Q    Well, can you do your best to estimate 9                   it? 10                  MR. IACONELLI: Objection to the extent 11                  it calls for speculation. 12                  MR. MAXIM: Same objection. 13                  THE WITNESS: I can't guess. I really 14                  can't. I don't know. I don't even know when 15                  for sure he started there, how long he was 16                  there or when he left. I couldn't guess. 17                  BY MR. COMERFORD: 18                  Q    Do you know whether he's still in 19                  Atlanta? 20                  <b>A    I don't believe he is.</b> 21                  Q    Where is he located, to your knowledge? 22                  <b>A    To the best of my knowledge, but I'm 23                  not 100 percent in this, I think he's in New York 24                  City.</b> 25                  Q    In September of 2018, where was your</p>	<p style="text-align: right;">Page 52</p> <p>1                   Q    Go ahead. 2                   <b>A    The office is not a huge office. It's 3                  a smaller satellite office. I would guess it's 15 4                  to 20 offices, so I couldn't sit here and say 5                  anything was too far.</b> 6                   Q    Did you ever arrange for Todd France to 7                  travel to meet with football players or their 8                  families? 9                   MR. IACONELLI: Objection, asked and 10                  answered. 11                  THE WITNESS: I've never arranged for 12                  Todd France's travel ever. 13                  BY MR. COMERFORD: 14                  Q    Were you familiar with Todd France's 15                  schedule in December of 2018? 16                  MR. IACONELLI: Objection, asked and 17                  answered. 18                  MR. HERBER: I'll join in that 19                  objection. 20                  THE WITNESS: I was not. 21                  BY MR. COMERFORD: 22                  Q    Let's start at the beginning of 2018 23                  and go until February of 2019. So just a little bit 24                  over a year. Okay? We'll try to focus on that time 25                  frame.</p>
<p style="text-align: right;">Page 51</p> <p>1                  office in relation to Todd France's office in the 2                  physical layout of the Atlanta office? 3                  <b>A    I changed offices four separate times, 4                  so I'm actually not sure during that period. I was 5                  the younger one in the office, so I got kicked 6                  around a lot. So in 2018 and the time you're 7                  explaining, I am not sure where I was.</b> 8                  Q    Okay. How about January of 2019, where 9                  were you physically located in the office? 10                 <b>A    I'm not sure.</b> 11                 Q    Did you have an office or did you have 12                 a cubicle? 13                 <b>A    I had an office the majority of the 14                 time, but there was a time that I was at a cubicle.</b> 15                 Q    Okay. Was that in the beginning or in 16                 the middle or in the end? 17                 <b>A    The cubicle?</b> 18                 Q    Yes. 19                 <b>A    Beginning.</b> 20                 Q    So was your office close to Todd France 21                 in January of 2019 or far? 22                 MR. IACONELLI: Objection. Excuse me, 23                 objection, vague and ambiguous particularly 24                 with respect to the terms "close" and "far." 25                 BY MR. COMERFORD:</p>	<p style="text-align: right;">Page 53</p> <p>1                  During that year, how many times did 2                  you access Todd France's e-mails? 3                  MR. MAXIM: Objection because that 4                  question is deliberately focused to be outside 5                  the scope of the Court ordered discovery 6                  period. 7                  MR. IACONELLI: We join in that 8                  objection. Judge Schwab's March 31, 2020 9                  order that I've repeatedly referred to in this 10                 case specifically states, It is ordered that 11                 the applicable time period for discovery is 12                 January 21, 2018 through January 21, 2020. 13                 The question that was just put to the witness 14                 goes beyond that time frame. We again object 15                 to this improper line of questions and would 16                 request that Plaintiff's counsel take the 17                 deposition in accordance with the orders that 18                 have been entered in this case. 19                 MR. COMERFORD: Did you say the time 20                 frame in Judge Schwab's order is January 2018 21                 through January 2020? 22                 MR. IACONELLI: I read it into the 23                 record. It's attached to the subpoena that 24                 you issued to Mr. Silver. I presume you have 25                 a copy of it.</p>

<p>Page 126</p> <p>1 Q Okay. Let's focus on the time period 2 before January 30, 2019. We know that you arranged 3 this memorabilia signing for Kenny Golladay that 4 took place in the Chicago area on January 21, 2019, 5 right?</p> <p>6 MR. IACONELLI: Objection.</p> <p>7 MR. MAXIM: I object.</p> <p>8 MR. IACONELLI: Mr. Comerford, you 9 continually use a word, you used the word 10 arranged this time and that not only 11 mischaracterizes the witness' testimony, but 12 you know to be an inaccurate resuscitation of 13 what his statements under oath have been. Why 14 are you mischaracterizing the prior testimony?</p> <p>15 BY MR. COMERFORD:</p> <p>16 Q Mr. Silver, let me just ask you a 17 question. Did you arrange a memorabilia signing for 18 Kenny Golladay that took place on January 21, 2019?</p> <p>19 A I participated in it.</p> <p>20 Q Okay. What was your participation?</p> <p>21 A Can you ask me a more specific 22 question?</p> <p>23 Q Describe the nature of your 24 participation in the memorabilia signing that took 25 place on January 21, 2019 involving Kenny Golladay.</p>	<p>Page 128</p> <p>1 A That's correct. I'm sorry, I provided, 2 I edited an agreement that we had used in the past 3 for this signing.</p> <p>4 Q You were involved in the drafting of 5 the contract between Craig Boone's company and Kenny 6 Golladay for this signing, right?</p> <p>7 A Yeah. I don't know if I would use the 8 word drafting just because I plugged and played with 9 some of the terms from a former contract we used.</p> <p>10 Q And you were involved in helping Kenny 11 Golladay and Craig Boone execute the contract for 12 the signing, right?</p> <p>13 A In communications I was.</p> <p>14 Q Other than the January 21, 2019 15 signing, did you have any other topics that you 16 communicated with Kenny Golladay on prior to 17 January 30, 2019?</p> <p>18 A Prior to January -- not to my 19 knowledge. Outside of the scope of this signing?</p> <p>20 Q Yeah.</p> <p>21 A I don't believe so.</p> <p>22 Q Okay. So this memorabilia signing that 23 took place on January 21, 2019 is the only thing you 24 ever communicated with Kenny Golladay about prior to 25 January 30, 2019, do I have that right?</p>
<p>Page 127</p> <p>1 A I understand the question, but it's 2 like a broad -- it's a broad question, so I'm just 3 asking if you can ask me something more specific?</p> <p>4 Q Just do your best and please describe 5 your participation.</p> <p>6 MR. IACONELLI: Objection.</p> <p>7 BY MR. COMERFORD:</p> <p>8 Q What was your role and what did you do?</p> <p>9 MR. IACONELLI: Thank you because at 10 the beginning of the deposition you told him 11 that if he didn't understand a question or if 12 he asked for help that you would agree to 13 rephrase your question.</p> <p>14 BY MR. COMERFORD:</p> <p>15 Q Go ahead, Mr. Silver.</p> <p>16 A Okay. There was communication -- I 17 participated in communication, in discussions of the 18 details. A lot of the middleman of the 19 communications of the details, I would say.</p> <p>20 Q Okay. You contacted Kenny Golladay and 21 asked him if he would be interested in doing the 22 memorabilia signing, right?</p> <p>23 A Yeah, that's correct.</p> <p>24 Q You provided the contract that Kenny 25 Golladay and Craig Boone signed, right?</p>	<p>Page 129</p> <p>1 A To the best of my recollection, I 2 believe that's correct.</p> <p>3 Q Do you know whether CAA did any 4 marketing-related work for Kenny Golladay or with 5 Kenny Golladay, other than this memorabilia signing 6 prior to January 30, 2019?</p> <p>7 A Not that I have knowledge of.</p> <p>8 Q Do you know who Mr. Golladay was dating 9 in late 2018?</p> <p>10 A No.</p> <p>11 Q Did you ever communicate with anybody 12 that Mr. Golladay was dating in that time period, 13 late 2018 or early 2019?</p> <p>14 A Did I communicate with the person that 15 he may have been dating, is that the question?</p> <p>16 Q Yes.</p> <p>17 A No, I don't believe so.</p> <p>18 Q Did you communicate with Mr. Golladay's 19 mother, Stacy Wright-Whitaker, at any point prior to 20 January 30, 2019?</p> <p>21 A I did not.</p> <p>22 Q And I'm including either by phone or 23 text or e-mail.</p> <p>24 A I don't have any recollection of that, 25 no.</p>

<p style="text-align: right;">Page 134</p> <p>1        December 2018?</p> <p>2            MR. IACONELLI: Objection, foundation.</p> <p>3            THE WITNESS: I have not.</p> <p>4    BY MR. COMERFORD:</p> <p>5        Q    Have you ever talked with Todd France</p> <p>6    about the trip he made to Detroit in early</p> <p>7    October 2018?</p> <p>8        A    <b>Sorry, will you say that one more time?</b></p> <p>9        Q    Have you ever spoken with Todd France</p> <p>10   about a trip that he took to Detroit to meet with</p> <p>11   Kenny Golladay in early October 2018?</p> <p>12       A    <b>No.</b></p> <p>13        MR. IACONELLI: Objection, foundation</p> <p>14        and to the extent that it calls for</p> <p>15        speculation.</p> <p>16        THE WITNESS: The answer is no.</p> <p>17    BY MR. COMERFORD:</p> <p>18       Q    How did you first hear about Kenny</p> <p>19   Golladay being affiliated with CAA?</p> <p>20       A    <b>Sometime, I think it was early</b></p> <p>21        December, Todd had told us that he signed him or is</p> <p>22        signing him. I don't remember exact verbiage and</p> <p>23        this, like I said, was early December that he</p> <p>24        just -- I wouldn't say an announcement. It wasn't</p> <p>25        anything formal, but was sharing with the group and</p>	<p style="text-align: right;">Page 134</p> <p>1        people are not, you know, right by his office, so I</p> <p>2        would say probably a common area. But like I said,</p> <p>3        it could have been in his office. I don't think</p> <p>4        that was the case. I think it was an informal thing</p> <p>5        out in the open, so -- but I can't tell you</p> <p>6        100 percent.</p> <p>7        Q    As best you can recall, how many people</p> <p>8    were able to hear Mr. France's statement that he had</p> <p>9    signed or was going to sign Kenny Golladay?</p> <p>10       A    <b>I'm not sure on that.</b></p> <p>11       Q    Can you remember anything else that</p> <p>12       Mr. France said during this statement?</p> <p>13       A    <b>I think that was -- I mean, I don't --</b></p> <p>14       <b>yeah, I can't remember exactly what he said or</b></p> <p>15       <b>anything else that he added to it at this time, no.</b></p> <p>16       Q    Did he say, we can start doing</p> <p>17       marketing events for Mr. Golladay now?</p> <p>18       MR. IACONELLI: Objection.</p> <p>19       THE WITNESS: I don't remember, but I</p> <p>20       would not assume so. I'm not sure, though. I</p> <p>21       would not assume that would follow after his</p> <p>22       statement about that. I don't have a</p> <p>23       recollection of the conversation,</p> <p>24       unfortunately.</p> <p>25    BY MR. COMERFORD:</p>
<p style="text-align: right;">Page 135</p> <p>1        <b>the office, whoever was there. And, you know,</b></p> <p>2        <b>that's all I can remember.</b></p> <p>3        Q    Who else was present, other than you,</p> <p>4    when Todd France made this statement?</p> <p>5        A    <b>I have no recollection of who exactly</b></p> <p>6        <b>was in the office at the time. I do know that there</b></p> <p>7        <b>were other people there, though.</b></p> <p>8        Q    And can you identify any of them?</p> <p>9        A    <b>I can't remember who was specifically</b></p> <p>10       <b>there at that time. It's over two years ago. No, I</b></p> <p>11       <b>can't remember.</b></p> <p>12       Q    Where were you standing when you heard</p> <p>13       Mr. France say this?</p> <p>14       A    <b>I don't know if I was sitting in my</b></p> <p>15       <b>office with the door open, if I was standing out.</b></p> <p>16       <b>If I was sitting at a cubicle. I have no idea.</b></p> <p>17       Q    Where was Mr. France standing when he</p> <p>18    made this statement that you heard?</p> <p>19       A    <b>I have no recollection. I would</b></p> <p>20       <b>assume -- well, I shouldn't make an assumption, so</b></p> <p>21       <b>I'll leave it at I don't know.</b></p> <p>22       Q    Was he in his office? Was he in the</p> <p>23    hallway or some kind of common area? Do you have</p> <p>24    any recollection?</p> <p>25       A    <b>I don't have a recollection. Most</b></p>	<p style="text-align: right;">Page 137</p> <p>1        Q    So have you told me everything that you</p> <p>2    can recall about the statement that you overheard</p> <p>3    Mr. France make?</p> <p>4       MR. IACONELLI: Objection, foundation</p> <p>5       and argumentative.</p> <p>6       THE WITNESS: I believe I've answered</p> <p>7       all of your questions to the best of my</p> <p>8       ability.</p> <p>9    BY MR. COMERFORD:</p> <p>10       Q    Have you told me everything you can</p> <p>11    remember about it?</p> <p>12       MR. IACONELLI: Objection, asked and</p> <p>13    answered.</p> <p>14       MR. MAXIM: Objection, asked and</p> <p>15    answered.</p> <p>16       THE WITNESS: I think so. I think I've</p> <p>17    tried to give you as much information from</p> <p>18    what I remember from the questions that you</p> <p>19    asked me.</p> <p>20    BY MR. COMERFORD:</p> <p>21       Q    I'm not asking you whether you answered</p> <p>22    the questions that I asked earlier. My question now</p> <p>23    is different than that.</p> <p>24       A    <b>Okay.</b></p> <p>25       Q    My question now is, have you told me</p>

<p>Page 138</p> <p>1 everything that you can remember about the statement 2 that Todd France made about Kenny Golladay in the 3 office in early December 2018?</p> <p>4 MR. IACONELLI: Objection, asked and 5 answered three times.</p> <p>6 THE WITNESS: I believe so.</p> <p>7 BY MR. COMERFORD:</p> <p>8 Q Who was Mr. France speaking to when he 9 made this statement?</p> <p>10 A I don't think it was directed to one 11 person. I think it was overall just an informal 12 thing to whoever was standing around or sitting 13 around their office or their cubicles at that time. 14 I'm not exactly sure of the details.</p> <p>15 Q Did he say, hey, everyone, great news, 16 I've signed Kenny Golladay or I'm going to be 17 signing Kenny Golladay or how did it come across to 18 you?</p> <p>19 MR. IACONELLI: Objection to form, 20 compound. To the extent it calls for 21 speculation.</p> <p>22 MR. MAXIM: Same objections.</p> <p>23 THE WITNESS: Like I said, I don't know 24 the specifics of what he said and I don't -- 25 and I said this before, I don't know if he</p>	<p>Page 140</p> <p>1 statement?</p> <p>2 A I believe so. I can't say 100 percent.</p> <p>3 Q You knew that he --</p> <p>4 MR. MAXIM: He wasn't finished.</p> <p>5 THE WITNESS: I believe so. My 6 assumption would be that I would have 7 remembered or I would have known who he was at 8 that time.</p> <p>9 BY MR. COMERFORD:</p> <p>10 Q You believe that you knew that he was 11 an active football player in the NFL and was already 12 on an NFL team when you heard Mr. France make this 13 statement in December of 2018, right?</p> <p>14 A I think so. I can't take myself, you 15 know, back to remembering if I knew who he was, but 16 I think I would have known who he was.</p> <p>17 Q Did Mr. France say anything 18 specifically to you about Kenny Golladay in December 19 of 2018?</p> <p>20 A Specifically, like directed only to me?</p> <p>21 Q Yes.</p> <p>22 A No. No, not to my recollection. I 23 think this is the only encounter of anything having 24 to do with Kenny Golladay.</p> <p>25 Q When did you first make contact with</p>
<p>Page 139</p> <p>1 said signed, signing. I don't remember the 2 exact verbiage or exactly what he said. To 3 the extent I obviously don't know anything 4 else outside of that.</p> <p>5 BY MR. COMERFORD:</p> <p>6 Q Was he making an announcement to 7 multiple people at once?</p> <p>8 A I would assume -- I would say that it 9 was directed to multiple people. I don't think I 10 overheard him say to one person, by the way this, 11 and I just took that news and ran with it. I think 12 it was directed to the group of people who were 13 around him at that certain specific time.</p> <p>14 Q Was this something Mr. France would do 15 whenever he was developing a new relationship with a 16 football player?</p> <p>17 MR. IACONELLI: Objection, speculation.</p> <p>18 THE WITNESS: I don't like calling out 19 of like -- this one-time thing. I mean, I 20 don't think there's any one way that he would 21 go about, you know, telling us or sharing that 22 news. I'm not sure.</p> <p>23 BY MR. COMERFORD:</p> <p>24 Q Had you heard of Mr. Golladay as a 25 football player before Mr. France made this</p>	<p>Page 141</p> <p>1 Kenny Golladay?</p> <p>2 A It would have been towards the end of 3 December, early January, I think.</p> <p>4 Q Did you ask Mr. Golladay whether he had 5 signed a marketing agreement with CAA?</p> <p>6 A I did not.</p> <p>7 Q Did you ask Todd France whether Kenny 8 Golladay had signed a marketing agreement with CAA?</p> <p>9 A I did not.</p> <p>10 Q Would it be fair to say that when you 11 set up this memorabilia signing for Kenny Golladay, 12 you did that without confirming that he had signed a 13 marketing agreement with CAA?</p> <p>14 MR. MAXIM: Object to the form, assumes 15 facts not in evidence.</p> <p>16 MR. IACONELLI: And I would just 17 interpose an objection to the extent that it 18 mischaracterizes yet again his prior 19 testimony.</p> <p>20 THE WITNESS: Yeah, I wouldn't say 21 that. It kind of makes it sound like a 22 reckless, you know, doing something, you know, 23 way off of what I would have been from hearing 24 that news in early December, especially weeks 25 later if he said signing or signed. That was</p>

<p>Page 142</p> <p>1 my complete assumption that he had signed, so 2 no, I didn't go and see any, you know, proof 3 of that. But also I think it's helpful to 4 understand at that time or most of my career 5 I've never, you know, when CAA had signed new 6 clients or anything, any sort of paperwork, 7 whether it is, I think on the field contract 8 side or even the marketing side.</p> <p>9 BY MR. COMERFORD:</p> <p>10 Q We agree now that you know that when 11 this memorabilia signing took place on January 21, 12 2019 that Kenny Golladay did not have a marketing 13 agreement in place with CAA Sports on that day, do 14 we agree on that?</p> <p>15 MR. IACONELLI: Objection to the form 16 and lacks foundation.</p> <p>17 MR. MAXIM: Object to the form as well.</p> <p>18 THE WITNESS: I understand that that is 19 the allegation today and all I can say is at 20 that time they were the facts that I knew at 21 hand.</p> <p>22 BY MR. COMERFORD:</p> <p>23 Q Did anyone tell you that Kenny Golladay 24 had entered into a marketing agreement with CAA 25 prior to January 21, 2019?</p>	<p>Page 144</p> <p>1 THE WITNESS: Just so I understand 2 correctly, you're asking do I know of any 3 examples of when I personally would have done 4 a deal?</p> <p>5 BY MR. COMERFORD:</p> <p>6 Q Yeah.</p> <p>7 A <b>With anybody that didn't have a marketing agreement with CAA?</b></p> <p>8 Q Yep.</p> <p>9 A <b>So, like I said before, with all of the agreements at CAA, I guess technically I wouldn't have any first-hand knowledge that any of those clients had agreements with CAA and I can't think of specific examples, but unfortunately, I feel like I hear about this a lot in this industry and we've had, you know, clients at our own agency where we see on their social that they did a brand deal or posting about a brand deal or had an appearance that are not through us. So does it happen everyday, I don't know, but I can't say that it doesn't happen.</b></p> <p>10 Q Okay. You understand that my view of 11 the facts is that on January 21, 2019, Kenny 12 Golladay did a memorabilia signing that CAA Sports 13 participated in setting up and at the time it 14 happened he did not have a marketing agreement with</p>
<p>Page 143</p> <p>1 A <b>No, no one ever told me at any point that he officially did or did not.</b></p> <p>2 Q You now know that as of January 21, 3 2019, Kenny Golladay had a marketing agreement in 4 place with Clarity Sports, right?</p> <p>5 MR. IACONELLI: Objection to the form.</p> <p>6 THE WITNESS: You're saying as of now, 7 today, but you added January -- you added 8 something about January.</p> <p>9 BY MR. COMERFORD:</p> <p>10 Q Yeah. You know, as you sit here today, 11 that Kenny Golladay had a marketing agreement in 12 place on January 21, 2019 with Clarity Sports, 13 right?</p> <p>14 MR. IACONELLI: Objection to the form.</p> <p>15 THE WITNESS: I understand that as part 16 of this lawsuit.</p> <p>17 BY MR. COMERFORD:</p> <p>18 Q And so can you think of any other time 19 that you have participated in a marketing event for 20 a football player who was not under a marketing 21 agreement with CAA and was under a marketing 22 agreement with another sports agency?</p> <p>23 MR. IACONELLI: Objection, vague and to 24 the extent it calls for speculation.</p>	<p>Page 145</p> <p>1 CAA and he did have a marketing agreement with 2 Clarity Sports.</p> <p>3 You understand that's the allegation, 4 right?</p> <p>5 A <b>I understand that's the allegation.</b></p> <p>6 MR. IACONELLI: Objection. Objection.</p> <p>7 Argumentative, compound, not reasonably 8 calculated to lead to the discovery of 9 admissible evidence.</p> <p>10 MR. MAXIM: Join in those objections.</p> <p>11 BY MR. COMERFORD:</p> <p>12 Q Are you personally aware of any similar 13 situations that you've been involved in where a 14 football player is under a marketing agreement with 15 one sports agency, but then does a marketing event 16 that another sports agency has participated in and 17 helped set up?</p> <p>18 MR. MAXIM: Objection, asked and 19 answered.</p> <p>20 MR. IACONELLI: Also object to the 21 extent it goes outside the relevant time 22 frame.</p> <p>23 THE WITNESS: As I sit here right now, 24 I'm doing my best to try to think of like a 25 specific example I can give you, other than I</p>

<p>Page 162</p> <p>1           MR. IACONELLI: Objection, asked and 2           answered.</p> <p>3           MR. HERBER: I join in the objection, 4           John. That's at least the third, fourth time 5           you've asked the same question.</p> <p>6           MR. COMERFORD: I just want to make 7           sure I have it right.</p> <p>8           MR. IACONELLI: I think you have it 9           right, Mr. Comerford. It's in the transcript. 10           You're running out the clock. We have 11           questions for this witness. Okay. It's coming 12           up on 2:30. Please not ask him the same 13           questions more than once. You have a 14           transcript. You have his answer. Please ask 15           him a new question.</p> <p>16           BY MR. COMERFORD:</p> <p>17           Q    Other than Mr. Golladay, did you speak 18           with anyone else about this call that you got from 19           Craig Boone about somebody maybe objecting to the 20           signing?</p> <p>21           A    <b>I did not. I don't believe so.</b></p> <p>22           Q    Tell me what you remember Mr. Golladay 23           saying to you when you contacted him with this 24           issue.</p> <p>25           A    <b>What he said to me?</b></p>	<p>Page 164</p> <p>1           Q    Right. And now what I'm talking about, 2           as you sit here today, are you of the view that you 3           should have reached out to Mr. France and informed 4           him of this objection that had been made to the 5           memorabilia signing that you were participating in 6           setting up for Mr. Golladay?</p> <p>7           MR. IACONELLI: Objection, asked and 8           answered.</p> <p>9           MR. MAXIM: Same objection.</p> <p>10           MR. IACONELLI: I would join again, 11           it's misleading, argumentative, calls for 12           speculation and mischaracterizes his prior 13           testimony.</p> <p>14           BY MR. COMERFORD:</p> <p>15           Q    You can answer.</p> <p>16           A    <b>Yeah, I'm just going to, you know, stay 17           with the same answers. Obviously, you know, the 18           facts I knew at that time I couldn't change, so I 19           don't want to speculate today to say what I would 20           have done then because that's just not the situation 21           that occurred.</b></p> <p>22           Q    When you received the subpoena from the 23           Plaintiffs in this case, did you go and check your 24           text messages to see if you had any texts with Craig 25           Boone?</p>
<p>Page 163</p> <p>1           Q    Yes.</p> <p>2           A    <b>Something along the lines of I think I 3           said before that he was okay to do -- he's done 4           these type of signings before and he's okay to do 5           this signing.</b></p> <p>6           Q    Why did you not check with Mr. France?</p> <p>7           MR. IACONELLI: Objection, 8           argumentative, lack of foundation.</p> <p>9           THE WITNESS: I did not think it was 10           necessary.</p> <p>11           BY MR. COMERFORD:</p> <p>12           Q    As you look back now, do you think that 13           you should have informed Mr. France that an 14           objection had been voiced to this memorabilia 15           signing?</p> <p>16           MR. IACONELLI: Objection, misleading, 17           argumentative, calls for speculation.</p> <p>18           MR. MAXIM: I have the same objection. 19           Go ahead, Mr. Silver.</p> <p>20           THE WITNESS: At the time of this all 21           happening, I did what I thought was best with 22           the facts that I knew and I just can't 23           speculate or, you know, change what I would 24           have known then to today, unfortunately.</p> <p>25           BY MR. COMERFORD:</p>	<p>Page 165</p> <p>1           A    <b>That had something to do with this 2           signing?</b></p> <p>3           Q    I'm sorry, I couldn't hear you. Could 4           you please say that again?</p> <p>5           A    <b>You're asking if I went and checked if 6           I had communicated or texts with Craig Boone in like 7           -- in relation with the signing?</b></p> <p>8           Q    Yeah.</p> <p>9           A    <b>I did.</b></p> <p>10           Q    Okay. Did you have any?</p> <p>11           A    <b>I did not.</b></p> <p>12           Q    Do you have any at some point that were 13           just no longer on your phone?</p> <p>14           MR. IACONELLI: Objection, time frame.</p> <p>15           BY MR. COMERFORD:</p> <p>16           Q    I mean, let's focus on the, you know, 17           text from the 2018 -- December 2018 and January 2019 18           time frame, did you have -- did you exchange text 19           messages with Craig Boone about the Golladay signing 20           in those months?</p> <p>21           A    <b>I believe you asked me that earlier and 22           I wasn't -- I wasn't sure. I had no recollection of 23           if we exchanged texts or the full, you know, scope 24           of communication between us, so I'm not entirely 25           sure.</b></p>

<p>1       objections.</p> <p>2           THE WITNESS: The only thing I would</p> <p>3       say, it's not fair because I don't know where</p> <p>4       else I would have gotten it from, but yes,</p> <p>5       sure, I can -- yes, it's speculation because I</p> <p>6       don't fully remember.</p> <p>7   BY MR. COMERFORD:</p> <p>8       Q   Did you ever communicate with Mr.</p> <p>9       Golladay from your -- well, strike that.</p> <p>10      Did you have a landline that you used</p> <p>11     in the office?</p> <p>12     <b>A   Did I have one? Sorry, you cut out for</b></p> <p>13     <b>a second. Did we have a landline?</b></p> <p>14     Q   Yes, did you have a landline at your</p> <p>15     desk?</p> <p>16     <b>A   I did.</b></p> <p>17     Q   Okay. Did you use that landline to</p> <p>18     communicate with Mr. Golladay?</p> <p>19     MR. IACONELLI: Time frame?</p> <p>20   BY MR. COMERFORD:</p> <p>21     Q   In December 2018 or January 2019.</p> <p>22     <b>A   I have no recollection of how I</b></p> <p>23     <b>communicated with Kenny Golladay.</b></p> <p>24     Q   Okay. I think my question is a little</p> <p>25     different, do you know whether or not you used your</p>	<p>1       BooneEnterprisesInc@gmail.com, right?</p> <p>2     <b>A   Yes.</b></p> <p>3     Q   Did you send this e-mail?</p> <p>4     <b>A   Yes.</b></p> <p>5     Q   And it's dated Tuesday, January 8, 2019</p> <p>6     at 6:53 a.m. Is that the time that you sent this</p> <p>7     e-mail in Atlanta local time as best as you can</p> <p>8     recall?</p> <p>9     <b>A   As best as I recall. I mean, because</b></p> <p>10     <b>it says it right there, but I have no other</b></p> <p>11     <b>knowledge -- I mean, I just don't remember a timing</b></p> <p>12     <b>of when I sent it, but if it says it.</b></p> <p>13     MR. IACONELLI: Mr. Comerford, I wanted</p> <p>14     to wait for the witness to answer. Would you</p> <p>15     please identify the document by Bates number</p> <p>16     for the record, please?</p> <p>17     MR. COMERFORD: It starts with CAA 13.</p> <p>18   BY MR. COMERFORD:</p> <p>19     Q   And the subject is Kenny G. contract,</p> <p>20     right?</p> <p>21     <b>A   Yes, I'm sorry, what time did you say?</b></p> <p>22     <b>That's 6:53, that's p.m. Atlanta time?</b></p> <p>23     Q   It looks a.m. to me.</p> <p>24     MR. IACONELLI: Objection, foundation.</p> <p>25   BY MR. COMERFORD:</p>
<p>1       landline to communicate with Mr. Golladay?</p> <p>2     <b>A   I do not know.</b></p> <p>3     MR. IACONELLI: Objection,</p> <p>4     argumentative, mischaracterizes his prior</p> <p>5     testimony, asked and answered. The witness</p> <p>6     said I have no recollection of how I</p> <p>7     communicated with Mr. Golladay.</p> <p>8   BY MR. COMERFORD:</p> <p>9     Q   Okay. Let me see here.</p> <p>10      I'm going to share my screen and I'm</p> <p>11     going to show you what I am marking as Exhibit 3.</p> <p>12      Can you read that, Mr. Silver?</p> <p>13     <b>A   Do you mind zooming in just a bit?</b></p> <p>14     Q   Sure.</p> <p>15     <b>A   Thank you.</b></p> <p>16     Q   So this is an e-mail from you to --</p> <p>17     MR. IACONELLI: What are you marking</p> <p>18     this as, Mr. Comerford? Is this Exhibit 3?</p> <p>19     MR. COMERFORD: Exhibit 3.</p> <p>20     MR. IACONELLI: Thank you.</p> <p>21     (e-mail from Jake Silver to Boone</p> <p>22     Enterprises, Inc., CAA 13 was marked Exhibit 3</p> <p>23     for identification.)</p> <p>24   BY MR. COMERFORD:</p> <p>25     Q   This is an e-mail from you to</p>	<p>1       Because it says 06. Do you know what</p> <p>2     time this e-mail was sent?</p> <p>3     <b>A   I don't know what time this e-mail was</b></p> <p>4     <b>sent. It would surprise me that I was up, you know,</b></p> <p>5     <b>sending a contract that early, but I don't know. I</b></p> <p>6     <b>have no basis on either/or.</b></p> <p>7     Q   Okay. And you sent a document to</p> <p>8     Mr. Boone called Golladay - Kenny Enterprises</p> <p>9     Autograph Signing, right?</p> <p>10     <b>A   That's what the attachment was called?</b></p> <p>11     Q   Yeah. That attachment line right</p> <p>12     there.</p> <p>13     <b>A   Right.</b></p> <p>14     Q   And did you create that Word document</p> <p>15     that's on the attachment line?</p> <p>16     <b>A   Like I said before, it's a contract</b></p> <p>17     <b>that we had used in the past between the player of</b></p> <p>18     <b>CAA and Craig Boone, like an approved form, I would</b></p> <p>19     <b>say, and I just plugged in, you know, took out</b></p> <p>20     <b>whatever the old contact or the details of the</b></p> <p>21     <b>signing, whatever, you know, was necessary and just</b></p> <p>22     <b>changed it, so it was easy for his review. That's</b></p> <p>23     <b>what I did.</b></p> <p>24     Q   Okay. Is that the cell number that you</p> <p>25     had at the time there?</p>

<p>Page 242</p> <p>1 Q Okay. Mr. Silver, I think when we took 2 a break we were talking about the morning of 3 January 21, 2019. You started receiving 4 communications from Kenny Golladay that he had 5 missed his flight, correct?</p> <p>6 A <b>Correct. Delayed or missed it.</b> 7 <b>Something to push it back.</b></p> <p>8 Q Okay. Do you know what time he 9 eventually flew?</p> <p>10 A <b>No, I don't. I don't know the specific</b> 11 <b>time. I don't know exactly.</b></p> <p>12 Q What time was he supposed to arrive at 13 the signing in Chicago?</p> <p>14 A <b>I would be guessing, morning time.</b> 15 <b>That's all I remember.</b></p> <p>16 Q What time did he actually end up 17 arriving?</p> <p>18 A <b>I don't how -- all I know it was that</b> 19 <b>day and I think that the signing was probably late</b> 20 <b>afternoon, evening time, so -- I don't know exactly,</b> 21 <b>but later in that day.</b></p> <p>22 Q Did Mr. Golladay say anything that he 23 wanted to reschedule the signing because of his 24 travel problems?</p> <p>25 A <b>I don't think so.</b></p>	<p>Page 244</p> <p>1 involved in each other's -- other, you know, 2 dealings that were going on at the time. Sometimes 3 there are cases I think that multiple people were 4 working together.</p> <p>5 Q Have you, during the time that you 6 worked at CAA, were there any other signings that 7 you participated in setting up where you were the 8 only person at CAA who was aware of it?</p> <p>9 MR. MAXIM: Object to the form.</p> <p>10 THE WITNESS: I'm sure there were. I 11 can't give you a specific example, but I 12 wouldn't see why not.</p> <p>13 BY MR. COMERFORD:</p> <p>14 Q I mean that is exactly what I'm asking 15 for is an example. Can you give me an example of 16 another memorabilia signing that you participated in 17 in any way while you were at CAA that nobody else at 18 CAA knew about?</p> <p>19 A I'm going to sit here and try to think 20 and I will. Yeah, as I think back, I don't -- oh, 21 that person knew about this and that person didn't. 22 It's not what I think about. I mean, like I said 23 before, memorabilia is like, I don't want to say it 24 in a negative way, but it's an easier type of deal 25 that most people get and, you know, athletes get.</p>
<p>Page 243</p> <p>1 Q Did you communicate with anybody at CAA 2 about the travel issues that Mr. Golladay was 3 having?</p> <p>4 A <b>I did not.</b></p> <p>5 Q You told me that you reported directly 6 to Bob Philp at the time of the signing in January 7 of 2019; is that correct?</p> <p>8 A <b>I believe so, yes.</b></p> <p>9 Q Did you ever tell Bob Philp that you 10 were participating in the arrangement of this 11 signing?</p> <p>12 A <b>I did not.</b></p> <p>13 Q Why not?</p> <p>14 A <b>It's not really typically what we did.</b> 15 He oversaw the marketing department, but it wasn't 16 like every single deal that we're working on was 17 being communicated.</p> <p>18 Q Did Howard Skall work on memorabilia 19 signings for CAA Sports?</p> <p>20 A <b>Yes.</b></p> <p>21 Q Why wasn't Howard Skall included in 22 that memorabilia signing?</p> <p>23 A <b>Every marketing person, at least I can</b> 24 <b>speak for football, worked in some form of</b> 25 <b>memorabilia signings and deals. We weren't all</b></p>	<p>Page 245</p> <p>1 It's like one of the easiest first type of deals 2 they get. It's not like a big endorsement or TV 3 commercial to be celebrated and known, you know, 4 around. Yeah, I can't give you a specific example 5 other than I don't see why. There would be probably 6 other cases like this.</p> <p>7 Q Did you speak with Kenny Golladay when 8 he was done with the memorabilia signing?</p> <p>9 A <b>I don't know if I spoke with Kenny. I</b> 10 <b>know that Craig in some way told me that it had</b> 11 <b>wrapped and it was finished. I don't know if I</b> 12 <b>heard from Kenny after the fact.</b></p> <p>13 Q To your knowledge, who were the people 14 who attended the signing in person?</p> <p>15 A <b>I know, obviously Kenny was there.</b> 16 <b>Gerry was helping facilitate signing. Kenny had a</b> 17 <b>female with him and anybody else I don't think I</b> 18 <b>would have known about. At least I can't remember</b> 19 <b>at this time.</b></p> <p>20 Q Was anybody from CAA there?</p> <p>21 A <b>No. Not that I'm aware of. I</b> 22 <b>obviously wasn't there, but no, not to my knowledge.</b></p> <p>23 Q At any point after the signing, did Mr. 24 Golladay view any feedback about the signing?</p> <p>25 A <b>Not that I can remember.</b></p>

<p style="text-align: right;">Page 302</p> <p>1       <b>A    No.</b></p> <p>2       Q    Has it ever been part of your job</p> <p>3       duties at CAA to go out and recruit NFL players to</p> <p>4       use the services of an NFL PA registered contract</p> <p>5       advisor that works for CAA?</p> <p>6       <b>A    No.</b></p> <p>7       Q    Were you part of any plan or process</p> <p>8       through which CAA was trying to recruit Mr. Golladay</p> <p>9       to terminate his relationship with his current agent</p> <p>10      as of January 21, 2019, Mr. Bernstein, and hire an</p> <p>11      agent employed by CAA? In fact, let me withdraw the</p> <p>12      question. I'll see if I can ask it more directly.</p> <p>13      Were you ever part of any plan or process through</p> <p>14      which CAA was trying to recruit Mr. Golladay to</p> <p>15      terminate his relationship with his current agent,</p> <p>16      Mr. Bernstein, and hire an agent employed by CAA?</p> <p>17      <b>A    No. And like I said earlier, I did not</b></p> <p>18      <b>know about the relationship or any prior</b></p> <p>19      <b>relationship like that.</b></p> <p>20      Q    Okay. Were you ever part of any plan</p> <p>21      or process through which Mr. France was trying to</p> <p>22      recruit Mr. Golladay to terminate his relationship</p> <p>23      with Mr. Golladay's former agent, Jason Bernstein,</p> <p>24      and hire Mr. France as his current agent?</p> <p>25      <b>A    No.</b></p>	<p style="text-align: right;">Page 304</p> <p>1       <b>A    Yes.</b></p> <p>2       Q    And prior to having the telephone</p> <p>3       conversation with Mr. Boone that you testified to</p> <p>4       earlier, where you mentioned Mr. Golladay --</p> <p>5       <b>A    You just cut out. I'm sorry. You just</b></p> <p>6       <b>cut out for a second.</b></p> <p>7       Q    We're doing this over the Internet, so</p> <p>8       please let me know at any point if any part of my</p> <p>9       question gets garbled. I want to make sure you hear</p> <p>10      all of it.</p> <p>11      <b>A    Okay.</b></p> <p>12      Q    Prior to you participating in the</p> <p>13      telephone conversation that Mr. Comerford asked you</p> <p>14      about with Mr. Boone where you first mentioned Mr.</p> <p>15      Golladay's name and I think you said the time frame</p> <p>16      for that was the end of December 2018.</p> <p>17      Had Mr. France or anyone else at CAA</p> <p>18      instructed you to obtain marketing opportunities or</p> <p>19      memorabilia signing events for Mr. Golladay for the</p> <p>20      purpose of convincing Mr. Golladay to sign on as a</p> <p>21      client of Mr. France?</p> <p>22      <b>A    No.</b></p> <p>23      Q    And let me ask you a slightly different</p> <p>24      question. Prior to that telephone conversation that</p> <p>25      you described with Mr. Boone during the end of</p>
<p style="text-align: right;">Page 303</p> <p>1       Q    Was it your job when you were employed</p> <p>2       by CAA to find marketing opportunities for NFL</p> <p>3       athletes who were clients of CAA?</p> <p>4       <b>A    Yes.</b></p> <p>5       Q    Okay. And focusing on the end of</p> <p>6       December 2018, at the time you mentioned Mr.</p> <p>7       Golladay's name on the call that you had with</p> <p>8       Mr. Boone as being someone potentially interested in</p> <p>9       doing a memorabilia signing event with Mr. Boone,</p> <p>10      did you believe that Mr. Golladay was a client of</p> <p>11      CAA?</p> <p>12      <b>A    I did. I think I testified to that</b></p> <p>13      <b>earlier.</b></p> <p>14      Q    And at that time had you formed this</p> <p>15      belief based on what you previously heard close to</p> <p>16      the beginning of December of 2018 about how</p> <p>17      Mr. France had already obtained Mr. Golladay as a</p> <p>18      new client?</p> <p>19      <b>A    Sorry, say it one more time.</b></p> <p>20      Q    Sure. Have you formed this</p> <p>21      understanding that you described in response to my</p> <p>22      last question based on what you previously heard</p> <p>23      close to the beginning of December 2018 about how</p> <p>24      Mr. France had already obtained Mr. Golladay as a</p> <p>25      new client?</p>	<p style="text-align: right;">Page 305</p> <p>1       December 2018 when you first mentioned Mr.</p> <p>2       Golladay's name to him, had Mr. France or anyone</p> <p>3       else at CAA instructed you to obtain marketing</p> <p>4       opportunities, or memorabilia signing events for Mr.</p> <p>5       Golladay for the purpose of convincing Mr. Golladay</p> <p>6       to sign on as a client of CAA?</p> <p>7       <b>A    No.</b></p> <p>8       Q    In any communications you may have had</p> <p>9       with Mr. Boone, or any of the other memorabilia</p> <p>10      dealers being sued by the Plaintiffs in this</p> <p>11      lawsuit, were there ever any statements made by</p> <p>12      anyone that CAA or Mr. France wanted to schedule the</p> <p>13      January 21, 2019 signing event that Mr. Comerford</p> <p>14      has been asking you about today for the purpose of</p> <p>15      convincing Mr. Golladay to terminate Mr. Bernstein</p> <p>16      as his agent and to hire Mr. France as his new</p> <p>17      agent?</p> <p>18      <b>MR. COMERFORD: Form.</b></p> <p>19      <b>THE WITNESS: No.</b></p> <p>20      <b>BY MR. IACONELLI:</b></p> <p>21      Q    I'll ask you a slightly different</p> <p>22      question. In any communication that you may have</p> <p>23      had with Mr. Boone or any of the other memorabilia</p> <p>24      dealers, defendants being sued in this lawsuit, was</p> <p>25      there ever any statement made by anyone that CAA or</p>